

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:19-cv-00508-FDW-DSC

SAUER BRANDS, INC.,)	
a/k/a Duke's,)	
Plaintiff,)	
)	
vs.)	ORDER and NOTICE OF HEARING
)	
DUKE SANDWICH PRODUCTIONS,)	
INC., DFP SANDWICH SHOPS, LLC, and)	
DUKE BRANDS,)	
)	
Defendants.)	

THIS MATTER is before the Court on following a hearing on all pending motions (Docs. Nos. 95, 108, 112, 114, 117, 118). For the reasons stated in open court following the hearing, the Court GRANTS Plaintiff's Motion to Bifurcate from Jury Trial All Equitable Defenses (Doc. No. 117). The Court DENIES all other motions, including the parties' motions for summary judgment (Docs. Nos. 95, 118), the parties' motions to exclude expert testimony (Docs. Nos. 108, 114), and Defendants' Motion to Strike Plaintiff's Jury Demand (Doc. No. 112).

In light of the anticipated time needed for trial in this matter and the other cases currently pending on the Court's docket, the Court continues this trial from its current setting on May 3, 2021, to a peremptory trial setting to begin with docket call on June 7, 2021, at 9:00 a.m. in Courtroom 5B of the Charles R. Jonas Building, 401 W. Trade Street, Charlotte, North Carolina 28202. Immediately following docket call, the Court will proceed with jury selection and commence the trial. The parties' jointly-prepared pretrial submissions required under this Court's Standing Orders and the Case Management Order (Doc. No. 24) governing this case shall be due by April 1, 2021.

TAKE NOTICE that a pretrial conference in this matter will take place on Monday, April 19, 2021, at 2:00 p.m. The courtroom location will be determined at a later date.

IT IS SO ORDERED.

Signed: March 1, 2021

A handwritten signature in black ink, appearing to read "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

